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Elaine C. Stracker



PATENT  
Attorney's Docket No.: 00028.09CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.  
Serial No.: 10/766,149  
Filed: 1/27/2004  
Title DELIVERY OF SEDATIVE-HYPNOTICS THROUGH AN  
INHALATION ROUTE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with their continuing duty of disclosure under 37 CFR §§ 1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 502731. Please direct all correspondence to the following customer number.

Respectfully submitted,

SEP. 24 2004

Date: \_\_\_\_\_



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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/766,149	
	Filing Date	1/27/2004	
	First Named Inventor	Joshua D. Rabinowitz	
	Art Unit	Not yet known	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission		Attorney Docket Number	00028.09CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650)-687-3905	Customer Number 37485
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Form PTO-1449

Docket Number: 00028.09 CON

Application Number: 10/766,149

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION***(Use several sheets if necessary)*

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

**U.S. PATENT DOCUMENTS**

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Haillty			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	02/14/1995	5,388,574	Ingebrethsen			
	6.	08/13/1996	5,544,646	Lloyd et al.			
	7.	12/09/1997	5,694,919	Rubsamen et al.			
	8.	04/07/1998	5,735,263	Rubsamen et al.			
	9.	04/14/1998	5,738,865	Baichwal et al.			
	10.	06/02/1998	5,758,637	Ivri et al.			
	11.	06/16/1998	5,767,117	Moskowitz			
	12.	06/29/1999	5,915,378	Lloyd et al.			
	13.	08/10/1999	5,934,272	Lloyd et al.			
	14.	09/28/1999	5,957,124	Lloyd et al.			
	15.	10/05/1999	5,960,792	Lloyd et al.			
	16.	11/30/1999	5,993,805	Sutton et al.			
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	23.	07/03/2001	6,255,334	Sands			
	24.	11/06/2001	6,313,176	Ellinwood, Jr. et al.			
	25.	01/14/2003	6,506,762	Horvath et al.			

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	Applicant: Joshua D. RABINOWITZ et al.			
	Filing Date: 1/27/2004		Group Art Unit: Not Yet Known	

	26.	02/04/2003	6,514,482	Bartus et al.			
	27.	07/15/2003	6,591,839	Meyer et al.			
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	31.	07/04/2002	US 2002/0086852	Cantor			
	32.	08/22/2002	US 2002/0112723	Schuster et al.			
	33.	11/28/2002	US 2002/0176841	Barker et al.			
	34.	01/02/2003	US 2003/0004142	Prior et al.			
	35.	02/13/2003	US2003/0032638	Kim et al.			

#### RELATED ALEXZA MOLECULAR DELIVERY CORPORATION PATENT DOCUMENTS

	36.	08/04/2003	10/633,876	Hale et al.			
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	38.	12/30/2003	10/749,537	Rabinowitz et al.			
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	41.	01/27/2004	10/766,566	Rabinowitz et al.			
	42.	01/27/2004	10/766,574	Rabinowitz et al.			
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	48.	01/29/2004	10/768,281	Rabinowitz et al.			
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	52.	01/29/2004	10/769,157	Rabinowitz et al.			
	53.	01/29/2004	10/769,197	Rabinowitz et al.			

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Application Number: 10/766,149

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/27/2004

Group Art Unit: Not Yet Known

	54.	02/09/2004	10/775,583	Rabinowitz et al.			
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	56.	03/03/2004	10/791,915	Hale et al.			
	57.	03/03/2004	10/792,001	Rabinowitz et al.			
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	59.	03/03/2004	10/792,013	Rabinowitz et al.			
	60.	03/03/2004	10/792,096	Hale et al.			
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	62.	03/31/2004	10/813,721	Rabinowitz et al.			
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	67.	04/01/2004	10/816,407	Rabinowitz et al.			
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	70.	08/04/2004	10/912,462	Hale et al.			
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	81.	1/16/2003	US 2003/0012740	Rabinowitz et al.			
	82.	01/23/2003	US 2003/0015189	Rabinowitz et al.			
	83.	01/23/2003	US 2003/0015190	Rabinowitz et al.			

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	Applicant: Joshua D. RABINOWITZ et al.	
	Filing Date: 1/27/2004	Group Art Unit: Not Yet Known

	84.	01/23/2003	US 2003/0017114	Rabinowitz et al.			
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	108.	07/01/2004	US 2004/0127481	Rabinowitz et al.			
	109.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
	110.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
	111.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
	112.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
	113.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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	Applicant: Joshua D. RABINOWITZ et al.	
	Filing Date: 1/27/2004	Group Art Unit: Not Yet Known

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	114.	03/14/1990	EP 0 358 114	Europe			
	115.	07/03/2001	EP 1 080 720	Europe			
	116.	08/29/2001	EP 0 606 486	Europe			
	117.	03/22/1990	WO 90/02737	WIPO			
	118.	06/13/1991	WO 91/07947	WIPO			
	119.	04/11/1996	WO 96/09846	WIPO			
	120.	05/09/1996	WO 96/13161	WIPO			
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	123.	05/09/1996	WO 96/13292	WIPO			
	124.	10/03/1996	WO 96/30068	WIPO			
	125.	08/07/1997	WO 97/27804	WIPO			
	126.	05/28/1998	WO 98/22170	WIPO			
	127.	07/23/1998	WO 98/31346	WIPO			
	128.	08/27/1998	WO 98/36651	WIPO			
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	131.	01/06/2000	WO 00/00176	WIPO			
	132.	01/06/2000	WO 00/00215	WIPO			
	133.	05/18/2000	WO 00/27363	WIPO			
	134.	05/25/2000	WO 00/29053	WIPO			
	135.	08/17/2000	WO 00/47203	WIPO			
	136.	11/02/2000	WO 00/64940	WIPO			
	137.	11/09/2000	WO 00/66084	WIPO			

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	Applicant: Joshua D. RABINOWITZ et al.			
	Filing Date: 1/27/2004		Group Art Unit: Not Yet Known	

	138.	11/09/2000	WO 00/66206	WIPO			
	139.	12/21/2000	WO 00/76673	WIPO			
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	142.	12/20/2001	WO 01/95903	WIPO			
	143.	03/28/2002	WO 02/24158	WIPO			
	144.	03/28/2002	WO 02/24158	WIPO			

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	Filing Date: 1/27/2004	Group Art Unit: Not Yet Known

## OTHER DOCUMENTS

*(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	145.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	146.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	147.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	148.	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society.</i> 966-974.
	149.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology.</i> 32(5):591-600.
	150.	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology.</i> 93(3): 619-628.
	151.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
	152.	Gonda, I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <u>The Lung: Scientific Foundations</u> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.
	153.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry &amp; Behavior.</i> 36(1):1-7.
	154.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 $\mu\text{m}$ ," <i>J. Aerosol Sci.</i> 17(5):811-822.
	155.	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking." <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.
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	157.	Lichtman, A.H. et al. (1996). "Inhalation Exposure to Volatilized Opioids Produces Antinociception in Mice," <i>Journal of Pharmacology and Experimental Therapeutics.</i> 279(1):69-76.
	158.	Martin, B.R. and Lue, L.P. (May/June 1989). "Pyrolysis and Volatilization of Cocaine," <i>Journal of Analytical Toxicology</i> 13:158-162.
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		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 1/27/2004	Group Art Unit: Not Yet Known

  

	160.	Meng, Y. et al. "Inhalation Studies With Drugs of Abuse," <i>NIDA Research Monograph</i> , (1997) 173:201-224.
	161.	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.
	162.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 5/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE".
	163.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.
	164.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
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	167.	Vapotronics, Inc. (1998) located at <a href="http://www.vapotronics.com.au/banner.htm">http://www.vapotronics.com.au/banner.htm</a> , 11 pages, (visited on June 5, 2000).
	168.	Ward, M.E. MD, et al. (December 1997). "Morphine Pharmacokinetics after Pulmonary Administration from a Novel Aerosol Delivery System," <i>Clinical Pharmacology &amp; Therapeutics</i> 62(6):596-609.
	169.	Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry &amp; Behavior</i> . 55(2):237-248.

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.